

MONTANA LEGISLATIVE HISTORY

Chapter 229 19 71

Bill H _____ S 296 Original bill & history C

H. Committee on Affairs of Cities

Hearing Date(s) 2/12 C

 C

 C

 C

Date Out 2/19 C

S. Committee on Local Government

Hearing Date(s) 1/30 C

out - 2/2 C

 C

 C

Did this bill originate in an interim committee? Yes No

Committee

Report

zenate

AL CONCURRENT COMMITTEE

CAL COVERED COMMITTEE..

[illegible]

January 30, 1971
Seventh meeting

a contract. He also claimed that certain publications that are required to be published in newspapers would be added expenses to the county if it was not possible to have small newspapers in operation.

Senator Northey asked for figures on newspapers in the state that have printing set-ups. Mr. Goosey, of the Rocky Mountain Printing, answered that the smaller counties are the only ones that do have commercial plants.

Mr. Robert Pearson, of the Montana Graphic Arts, testified as an opponent and revealed that there is sub-letting of contracts for the smaller units that don't have commercial equipment. He divulged that no small printing plant in the state could do all the printing of the county. He informed the committee that his company had been losing money doing country work for over twenty years. He further informed the committee that fifty per cent of the work can be done on the local level and fifty per cent can not be done to meet all the needs of the county.

Having no more information to reveal to the committee, the opponents and proponents were excused and thanked for their presentations.

The committee requested that Senate Bill 218 have further work done on the amendments and that they would consider this bill at a later meeting.

SB 296

Senator Boylan was asked to present his bill (A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 11-1001, R.C.M., 1947 RELATING TO AUTHORIZATION OF CITIES AND TOWNS TO FURNISH SEWAGE SERVICES IN ADDITION TO WATER TO INDUSTRIES AND TO PERSONS WITHOUT CITY LIMITS; RATES; PENALTY FOR VIOLATIONS.")

SB 296 was amended as follows: line 19, Section 2, after the word commissioner, add "in the case of water rates and as established by city ordinance in the case of sewer rates."

Mr. Lando, an attorney from Bozeman, stated that the amendment doesn't take any words away from the existing statutes. He informed the committee members that the bill extends the right of sewer lines. He further stated that a lot of development is taking place

January 30, 1971
Seventh meeting

outside of city limits where annexation is not feasible. He also disclosed that the user would have to agree for annexation when it was possible.

Senator Bertsche pointed out that the developer is not forced to come in when annexation is possible. Senator Drake suggested that it be made mandatory to be annexed when the time came.

Senator Thiessen was excused and Senator Goodheart took the chair.

Mr. Mizner, representing the Montana League of Cities and Towns, testified in support of the bill, providing that the bill is amended to provide for annexation when the time comes.

There being no further questions on SB 296, the opponents and proponents were excused.

SB 288

Senator Lowe introduced his bill (A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 11-1202, R.C.M., 1947, TO INCREASE THE MONETARY LIMITATION ON PURCHASES.")

MR. Mizner testified as anproponent to SB 288.

Mr. Auble, representing the Montana League of Cities and Towns, also testified in support of the bill.

The opponents and proponents of this bill were asked to leave and were thanked for their information.

SB 280

Senate Bill 280 was postponed until a further meeting.

SB 243

Senator Lowe moved and Senator McOmber seconded that SB 243 "Do Pass". Motion carried.

SB 296

Senator Drake was appointed as Chairman of a sub-committee of 1 to further amend SB 296.

SB 288

Senator Lowe moved and Senator McOmber seconded that SB 288 "Do Pass". The motion carried.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Senator Thiessen, Chairman

SB-296

**AUTHORIZATION OF CITIES AND TOWNS TO FURNISH SEWER SERVICES TO INDUSTRIES
AND TO PERSONS WITHOUT CITY LIMITS---RATES---PENALTY FOR VIOLATIONS.**

1. At present cities and towns are authorized by statute, Section 11-1001, R. C. M., 1947, to furnish water to persons, factories or other industries located outside of the corporate limits of the city.
2. There would appear to be no logical reason why a city or town could not, if it should wish, to also furnish sewer services to persons living outside the corporate limits.
3. This statute would give the city the power to furnish sewer services but would not require them to do so if the city should deem it against their best interests.
4. Enacting such a provision would create a possible source of new revenue for municipalities and also would encourage development within the county outside of the corporate city limits.
5. The power to deliver sewage services outside of the city would be granted with the same restrictions and penalties in regards to the delivery of water.
6. By providing a method of disposing of sewage and other waste materials, the area surrounding the corporate city limits and the county would be kept free of pollution and a more pollution free environment would be provided.
7. The city would only extend its sewage line to the boundary of the city and any delivery would be made in the same manner as the delivery of waste, that is at the boundary of the city. Any additional lines to be constructed outside of the corporate limits would be done by the person or industry desiring to use said services.
8. There are numerous situations in Montana where lands adjacent to the limits of incorporated cities and towns cannot for one reason or another be immediately annexed and yet are being developed by use of septic tanks, which in many cases are creating sanitation problems. In most cases the developers would prefer to annex when possible and would prefer to install sewer lines and pay the costs of such services.

February 2, 1971
Eighth Meeting

Mr. Garrity said that most insurance companies would require training for the officers and especially the special deputies.

SB 252

Chairman Thieszen called on Senator James to present SB 252 to the Committee. (A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 16-4201, 16-4203, 16-4204 AND 16-4205, R.C.M. 1947, REMOVING THE COUNTY CLERK AS THE CLERK OF THE PARK BOARD, PROVIDING FOR THE EMPLOYMENT OF A SECRETARY/AND OR SUPERINTENDENT TO PROVIDE FOR THE DISBURSEMENT OF FUNDS, RELATING TO THE VALIDITY OF CLAIMS TO BE PAID, AND PROVIDING AN EFFECTIVE DATE.")

Senator James said that this amends the present law to provide for County Parks. The amendments are house-keeping duties. It allows for the superintendent to appoint a secretary. This applies primarily to Hill County. This is to ease the burden on the County Commissioners.

Discussion followed concerning the fact that if the bill is passed and signed then each county must be notified of this. However, this is a necessity as the counties need to know about this provision as it is time for the Commissioners to think about hiring someone for the position of Superintendent and Secretary.

SB 296

SB 296 was taken under consideration at an earlier date. At this time it is being presented with amendments.

Dan Mizner, representing the League of Cities and Towns, said he approved of the amendment.

Senator Drake moved to amend SB 296. The motion was seconded by Senator Lynch and the motion carried unanimously.

Senator Bertsche moved that SB 296 "Do Pass As Amended". The motion was seconded by Senator James and the motion carried unanimously.

SB 213

Senator Lowe moved that SB 213 "Do Not Pass". The motion was seconded by Senator Drake and the motion carried unanimously.

AFFAIRS OF CITIES COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
S.B. 243 Brownfield Bennett, et al	Reducing the entrance age of policemen to twenty	2/4	2/15		2/16	Be Concurred In	Signed by Governor
S.B. 244 Lowe et al	Limitation upon amount of money that a city or town can expend on any public work or construction	2/3	2/12		2/12	Be Concurred In	Signed by Governor
S.B. 296 Boylan, Hanks	Authorization of cities and towns to furnish sewage services	2/9	2/12		2/19	Be Concurred In	Governor's Office 3-4-71
S.B. 164 Drake, et al	Mayor and commission plan of government for a county wide municipality.	2/15	2/17		2/19	Be Concurred In	Killed in the House 2-24-71
S.B. 321 Hanks, Goodheart et al	All-purpose levies-cities and towns and amendments to.	2/15	2/19		2/19	Be Concurred In	Governor's Office 3-4-71
S.B. 288 Lowe, Shea, et al	To increase the monetary limitations on purchases awarding contracts limitations.	2/15	2/19		2/19	Be Concurred In	Governor's Office 3-4-71

February 12, 1971

The Affairs of Cities Committee was convened at 10:30 A.M. in Room 436 with Chairman Cox presiding. Eleven members were present and two members were absent.

Chairman Cox called the meeting to order to consider S.B. 244.

Senator Lowe explained the bill. It will prevent a city from dividing construction work into small units to prevent competitive bidding. There is currently a law on the books that prohibits a city or town from spending more than \$2,500 dollars without a bid being taken. The small piece-meal work costs the taxpayer money. The bill would prevent this style of operating.

Mr. Peter Pauly, Montana Contractors Association, testified in favor of the bill. The bill would prevent the circumvention of the law.

Mr. Philip Auble, president of the Montana League of Cities and Towns, testified in favor of the bill.

S.B. 296 was then considered by the Committee. Senator Hanks and Senator Boylan could not be at the hearing. Mr. Dan Mizner, executive director of the Montana League of Cities and Towns, presented the witnesses in the Senators' absence.

Mr. Joe Gary, Riverside Country Club of Bozeman, testified in favor of the bill. The bill would require the city to furnish sewage to areas outside the city limits. This would be in addition to water which most of them already have. The areas that would be served with sewage must sign a waiver that they will not protest annexation when and if the city decides to annex the area.

Mr. J. W. Tackache, speaking for himself, testified in favor of the bill. The contiguous requirement is having an adverse effect on those that want to hook up with the city line.

Mr. Philip Auble testified in favor of the bill.

Mr. H. H. Todd, councilman from the City of Billings, testified in favor of the bill.

Mr. Mizner, again speaking for the Senators, closed the testimony.

The witnesses were thanked and excused by Chairman Cox.

The Committee then considered S.B. 244. Mr. Bennett moved that the bill "do pass". The vote was unanimous.

S.B. 296 was then considered by the Committee. Mr. Lockrem moved that the bill be assigned to a sub-committee for further study. The sub-committee should notify the sponsors of the bill in order to clarify any questions that might be had. The vote was unanimous. Chairman Cox appointed a sub-committee of three consisting of Mr. Lockwood, chairman, Mr. Lockrem and Mr. Robbins.

There being no further business, the meeting adjourned.

 Chairman
Henry S. Cox

February 19, 1971.

The Affairs of Cities Committee convened at 10:30 A.M. in Room 436 with Chairman Cox presiding. Twelve members were present and one member was absent.

Chairman Cox called the meeting to order to consider S.B. 321.

Senator Hanks explained the bill. It is to amend an existing law. It will enable the towns and cities to set aside money for the purchase of expensive equipment, property or other items necessary to operate the municipality. The purchases must be in the excess of five thousand dollars.

Mr. Dan Mizner, executive director of the Montana League of Cities and Towns, testified in favor of the bill. It is a League bill. It is the only money bill that the League still has alive, as well as being one of the most important bills. The bill will make it easier for the municipalities to operate. It will improve local government on a long range buying program. The cities are trying to start a new bookkeeping system to be uniform throughout the whole state. The earmarked money can be set to one side and can not exceed five per cent of the mill levy. Once the money is earmarked, a new council can not change the intent or the use of the money.

Mr. George H. Pendergast, State Examiners office, testified in favor of the bill. There have been three opinions by the Attorney General and none have clarified the problem; can a city set aside money to be used in a long range buying program. The bill proposes to relate the earmarked money to the operational needs of the cities and towns.

Mr. Larry Bjorneby, mayor of the City of Kalispell and a director of the Montana League of Cities and Towns, testified in favor of the bill. The cities and towns can reserve five per cent of the total mill levy for capital improvements under this bill. If the firemen's disability pension and police reserve are removed from the general levy and put to one side, it would leave more mills for municipal operation.

Mr. Walter Anderson, city manager of the City of Helena, testified in favor of the bill. It will help the cities operate as a business.

Mr. Wally Stephens, Montana State Firemen's Association, testified in favor of the bill. In Billings a new fire truck is needed but there are no funds to purchase one without hurting the city. The bill would not hurt the firemen's pension.

Mrs. Dorothy Eck, League of Women Voters, testified in favor of the bill. It will make local government more efficient.

Mr. Maurice Mulcahy, Montana Police Protective Association, testified in favor of the bill. It would help the police

There was an intensive question and answer session. Mr. Mizner stated that if the bill passed, it would not be necessary to increase the mill levy from sixty to sixty-five mills. The mill levy increase bill is in the Senate. There was some confusion on the part of the Committee members as to the effect of the bill.

Senator Goodheart closed the testimony.

S.B. 288 was then considered. Mr. Cox explained the bill in the absence of Senator Lowe. It would increase the amount of money that a city could spend on a project without calling for a bid. The current level is \$2,500 and the proposed limit is \$4,000. The bill also includes the counties as well as the cities.

Mr. Vic Kosty, Montana State Association of County Commissioners, testified in favor of the bill. There are some improvements that require immediate action and if the cost is greater than that allowed, the action is not so immediate. The \$2,500 is not a realistic figure due to inflation.

Mr. Mizner testified in favor of the bill.

The witnesses were thanked and excused, after the discussion.

S.B. 296 was then considered. The sub-committee reported. Mr. Lockwood introduced an amendment and moved that it be adopted. The vote was unanimous. Mr. Lockwood moved that the bill "do pass as amended". The vote was unanimous.

Senator Lowe came in and spoke briefly on S.B. 288.

S.B. 288 was then considered. Mr. Lockrem moved that the bill "do pass". The vote was unanimous.

S.B. 321 was then considered. Mr. Lockwood moved that the bill "do pass". Mr. Robbins made a substitute motion that the bill be passed for the day. The motion carried.

S.B. 164 was then considered. Mr. Harper moved that the bill "do not pass". Mr. Cox presented some additional material on the bill. Mr. Harper stated that the bill was aimed at Butte and no other city in the state. The discussion on the bill was long. Mr. Kosenka wanted to amend the bill to increase the percentage from 20% to 40% the number of voters needed to petition. Mr. Robbins made a substitute motion that the bill "do pass". The motion carried.

There being no further business, the meeting adjourned.


Henry S. Cox Chairman

Repealing clause. Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately. Section 3. This act is effective after its passage and approval.

Approved March 9, 1971

CHAPTER NO. 228

An Act Amending Section 54-133, R.C.M., 1947, to Change the Penalty for Possession of Marihuana.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. Section 54-133, R.C.M., 1947, is amended to read as follows:

"54-133. **Criminal possession of dangerous drugs.**

(a) A person commits the offense of criminal possession of dangerous drugs if he possesses any dangerous drug as defined in this act and does not come within the exceptions of section 3 [54-131].

Penalty—drugs other than marihuana. (b) A person convicted of criminal possession of dangerous drugs, *other than criminal possession of marihuana and its derivatives as hereinafter provided*, shall be imprisoned by imprisonment in the state prison not to exceed five (5) years. *Any person convicted of a criminal possession of marihuana or its derivatives in an amount, the aggregate weight of which does not exceed sixty (60) grams of marihuana, or one (1) gram of hashish, shall, for the first offense, be guilty of a misdemeanor and is punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or by both such fine and imprisonment. A person convicted of a second, or subsequent, offense under this subsection is punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year or in the state prison not to exceed three (3) years or by both such fine and imprisonment.*

Person under 21—presumption. (c) A person of the age of twenty-one (21) years or under, convicted of a first violation under this section

shall be presumed to be entitled to a deferred imposition of sentence. Jurisdiction under this section shall be exclusively in the district court." Deferred imposition of sentence.

Section 2. This act shall be effective upon passage and approval. Effective immediately.

Approved March 9, 1971

CHAPTER NO. 229

An Act to Amend Section 11-1001, R.C.M., 1947, Relating to Authorization of Cities and Towns to Furnish Sewage Services in Addition to Water to Industries and to Persons Without City Limits; Rates; Penalty for Violations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 11-1001, R.C.M., 1947, is amended to read as follows: Amending clause.

"11-1001. **Authorization of cities and towns to furnish water and sewage service to industries and to persons without city limits—rates—penalty for violations.**

(1) The city or town council of any city or town within the state of Montana, that owns and operates a municipal water system and/or a municipal sewage system, to furnish water and/or sewage services to the inhabitants of such city or town, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system and sewage services from such sewage system, to any person, factory or other industry, located within the corporate limits of such city or town, or to any person, factory or other industry located outside the corporate limits of such city or town, at reasonable rates filed by the city or town council and approved by the public service commission [provided that delivery of water and delivery of sewage services by any such city or town] to or for the use of any person, factory or other industry located outside the corporate limits of such city or town shall be made within, or at the boundary line of the corporate limits of such city or town, or from any existing water line or sewer line of such city or town located outside of the corporate limits of such city or town, except as hereinafter provided.

City or town operating water and/or sewage systems.

Authority to serve outside corporate limits.

Rates approved by public service commission.

Limitations.

Power to serve
when required by
law.

(2) The city council of any city within the state of Montana that owns and operates a municipal water system *and/or a municipal sewer system* to furnish water and sewer services to the inhabitants of such city, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system *and sewage services from such sewer system* to the inhabitants or to any person, factory, industry or producer of farm or other products located outside of the corporate limits of such city, at reasonable rates filed by the city or town council and approved, *when otherwise required by statute*, by the public service commission and such city council is further empowered to make collections for furnishing water *and sewer services* in the same manner as collections are made within the corporate limits.

Penalties for
unlawful use of
services.

(3) Any person, firm or corporation residing either inside or outside of the corporate limits of a city owning a municipal water system *and/or a municipal sewer system* which furnishes water *or sewer services* as a public utility, who shall willfully turn on the water *or sewer line* after the same shall have been shut off by or under the direction of the said city for nonpayment of water charges *or sewer charges*, or who shall unlawfully take water from such water system *or shall unlawfully make use of such sewer system* shall be guilty of a misdemeanor.

Consent to
annexation.

(4) *Any person, firm or corporation receiving water or sewer service outside of incorporated city limits may be required by the city or town as a condition to initiate such service to consent to annexation of the tract of property served by the city or town. The consent to annexation is limited to that tract or parcel or portion of tract or parcel or portion of tract or parcel that is clearly and immediately and not potentially being serviced by the said water or sewer service."*

Approved March 9, 1971

CHAPTER NO. 230

An Act Creating a Division of Communications in the Department of Administration; Providing for the Appointment of an Administrator for the Division; Providing for the Powers and Duties of the Division;

Providing for the Implementation of this Act; Providing that This Act Shall Not Affect the Rights and Privileges of Employees Transferred to the Division.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is created the division of communications in the department of administration. The state controller shall appoint an administrator for the division of communications, subject to the approval of the governor, and subject to the rules and regulations governing all state employees. The administrator for communications may employ and fix the compensation of such additional personnel as may be necessary.

Division of
communications
created—
appointment of
administrator.

Section 2. The administrator over the division of communications shall have technical training in the field or possess a bachelor's degree from an accredited college or university and shall have four years of progressively responsible experience in the field of communications or its equivalent.

Qualifications.

Section 3. The division of communications is hereby authorized and directed:

Powers and duties.

(1) To provide communication services to all agencies of state government. The state communications system shall be capable of passing voice, video, data, written information and other forms of communication to and from distant points. The division of communications shall prescribe adequate rules and regulations for the use of any communications equipment and facilities now in use or hereafter made available.

Services to state
agencies.

Rules and
regulations.

(2) To exercise general supervision over all existing communications systems for all agencies of state government.

Supervision.

(3) To plan, review and approve any additional installations of communications equipment and systems for all agencies of state government. In approving the installation of additional communications equipment or systems, the division shall first consult with and consider the recommendations and advice of the executive heads of the various state agencies.

Additional
installations.

(4) To approve standards and procedures for selection, acquisition and operation of communication equipment.

Standards.